

REMARKS

Reconsideration of the pending application is respectfully requested in view of the foregoing amendments and the following remarks.

Status of the Application

Claims 1-40 are currently pending. Of these, claims 1, 4, 10-12 and 25-40 are amended. As the claims as amended are fully supported by the application as filed, no new matter has been introduced into the application by way of these amendments.

Summary of the Office Action

The Office Action rejects claims 1-40 as being anticipated by, or in the alternative as being obvious over, U.S. Published Patent Application 2002/0098288 ("Kamitani et al.")

Discussion

The Office Action asserts that Kamitani et al. discloses the claimed subject matter, including the rate of the cooling step. Although the rate of cooling is not explicitly disclosed, the Office Action maintains that because the range of temperature is known to be from 140°C to 40°C, with a cooling time of from 1-2 minutes, this inherently meets the claimed range which includes 0.5°C. *See Office Action, pages 2-3.*

It is respectfully submitted that Kamitani et al. does not anticipate the invention as claimed. Even if one assumes *arguendo* the inherency assertion set forth in the Office Action, the rate of cooling would be from about 0.83 °C to about 1.67°C/s. This does not correspond to the claimed cooling step, and indeed fails to support an anticipation rejection of the claimed subject matter.

Moreover, and again assuming Kamitani et al. provides any relevant teaching, the reference fails to motivate one skilled in the art to increase the rate of cooling to that the claimed invention is provided. To achieve the cooling rate described in the claims, Kamitani et al. would need to force cool for about 30 seconds. This is neither disclosed, nor taught, by Kamitani et al.

For at least the foregoing reasons, it is respectfully submitted that the anticipation (and obviousness) rejection of claims 1-40 should be withdrawn.

The claims also require *inter alia* a heating step wherein the web temperature is maintained above 150°C during a period of between 1 and 30 seconds.

Applicant respectfully submits that Kamitani et al. discloses and teaches a clear and unambiguous temperature boundary. It is respectfully submitted that these boundaries are more than simply “guides,” but instead disclose and teach the existence of an upper temperature ceiling that cannot be exceeded without adversely affecting performance.

Specifically, Kamitani teaches one skilled in the art to not exceed 140°C because “when the final temperature reached in either the hot air drying device 20 or the far infrared radiation heating device 50 was **140°C** or more, **the developability deteriorated.**” When this temperature exceeded **145°C**, the “**developing was poor.**” See Kamitani ¶ [0087] (*emphasis added*). Kamitani indicates that this teaching is supported by the data of Table 1. Table 1 of Kamitani shows that precursors having an exit surface temperature of 142°C had faults with respect to developability and overall quality, while precursors having an exit surface temperature of **153°C** had **unsatisfactory developability and overall quality**. See Kamitani, Table 1 (entries for 141°C and 152°C)(*emphasis added*).

When a prior art reference concerning a printing plate precursor states that the developability of that precursor *deteriorates* when the plate is heated above 140°C, and was **poor** and **unsatisfactory** at or above 145°C, the teaching provided thereby is clear and unambiguous—one skilled in the art should not heat a precursor to these temperatures (and should certainly never exceed these temperatures) because the precursor will not function for its intended purpose. There is no reasonable expectation of success if one were to heat a precursor above 150°C as required by the claims. Again, the clear and unambiguous teaching of Kamitani is that a precursor should not be heated to a temperature exceeding 140°C, and certainly not in excess of 145°C. This is contrary to the pending claims.

Kamitani unambiguously teaches that heating at a temperature of 140°C creates undesirable problems in the final product, while heating at 145°C provides an unsatisfactory product. Thus, one skilled in the art would never vary the temperature above 140°C (and certainly not over 145°C) because Kamitani teaches that an unsatisfactory product will result. Indeed, one skilled in the art would be taught by the combination to vary the temperature below 140°C where acceptable results would be obtained.

For at least this reason, it is respectfully solicited that claims 1-40 are not anticipated or rendered obvious by Kamitani et al.

Finally, while the Examiner may be aware of two applications that are related to the present application, Applicants desire to confirm this awareness. The two applications are U.S. Patent Applications 10/530,130 and 10/530,394. The examiner is encouraged to review these applications and their prosecution in connection with the examination of the present application.

Conclusion

As Applicants believe the application is in proper condition for allowance, the examiner is respectfully requested to pass the application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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